



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **REEVES, Mike *et al.***
Title: **MPLS IMPLEMENTATION ON AN ATM PLATFORM**
Serial No.: **09/977,984**
Art Unit: **2661**
Examiner: **To be assigned**
Atty's Docket No.: **T01215-0042-US (123081-339669)**

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MAY 14 2004

Technology Center 2600

Date: May 12, 2004

Commissioner of Patents
U.S. Patent and Trademark Office
2011 South Clark Place, Customer Window
Crystal Plaza Two, Lobby, Room 11503
Arlington, VA 22202
U.S.A.

INFORMATION DISCLOSURE STATEMENT

Dear Sirs:

In accordance with 37 C.F.R. § 1.56, the Applicant encloses a completed Information Disclosure Statement.

Applicant believes that this statement is filed before the mailing of a first Office action on the merits, and as such, no fee is believed to be required pursuant to 37 C.F.R. § 1.97 (b). However, in the event that a first Office action on the merits have been mailed prior to the filing of this statement, or if filing fees are deemed to be due, the Patent Office is hereby authorized to charge any such fee to deposit account No. 15-0633 of McCarthy Tétrault LLP.

According to the terms of 37 C.F.R. § 1.97(g) and (h), this Information Disclosure Statement shall not be construed as a representation that a search has been made, an admission that the information cited is or is considered to be material to patentability, or that no other material information exists.

One (1) United States patent, three (3) foreign patent documents and five (5) non-patent documents are cited on the enclosed one (1) sheet of Form PTO/SB/08a and one (1) sheet of Form PTO/SB/08b. A copy of each reference is enclosed in accordance with 37 C.F.R. § 1.98.

REMARKS

Agents of Record

Further to a Customer Number Batch Update form dated and mailed April 7, 2004 which included a reference to the captioned application, the undersigned attorney confirms that the contact agent of record, Alfred Macchione, has relocated his practice to the firm of:

McCarthy Tétrault LLP
Customer Service #: 27155
Toronto Dominion Bank Tower
P.O. Box 48, Suite 4700
Toronto, Ontario
M5K 1E6 Canada

Applicant has consented to having contact agent retain responsibility as agent of record. Undersigned attorney advises that in total the following agents of record are also now associated with the same customer number and have the authority to also act on behalf of the Applicant for the above matter:

Alfred Macchione	Reg. No. 40,333
Robert Nakano	Reg. No. 46,498 (undersigned attorney)
Brian Gray	Reg. No. 30,017
Kenneth Bousfield	Reg. No. 40,460
Christopher Hunter	Reg. No. 52,528

Undersigned attorney also advises that the attorney reference number has been changed to:

Atty's Docket No.: T01215-0042 US (123081-339669).

Applicant requests that the USPTO update its records for this application accordingly.

Information Disclosure Statement

The foregoing Information Disclosure Statement is based upon the information contained in the undersigned attorney's file as of the filing date of this statement and is inclusive of the best information known to the undersigned at that date. Prompt consideration of this Information Disclosure Statement and the references by the Examiner is respectfully requested.

Should any Patent Office official want to telephone, the call should be made to Robert N. Nakano (Registration No. 46,498) at (416) 601-7852.

Yours very truly,



Robert H. Nakano
Registration No. 46,498

McCarthy Tétrault LLP
Suite 4700, Box 48
Toronto Dominion Bank Tower
Toronto, Ontario
M5K 1E6
Tel: 416-362-1812
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RNH/ETF/ks



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PTO/SB/21 (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/977,984	
	Filing Date	10/17/2001	
	First Named Inventor	REEVES, Mike	
	Art Unit	2661	
	Examiner Name	To be assigned	
Total Number of Pages in This Submission	7+Ref	Attorney Docket Number	T01215-0042-US (123081-339669)

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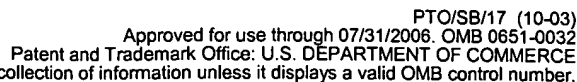
ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	References to Information Disclosure Statement (1 US Patent, 3 Foreign Patent Documents and 5 Non-Patent Documents)
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Applicant believes that no fees are payable, but provides Fee Transmittal in case any are payable.	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	McCarthy Tetrault LLP per Robert H. Nakano (Reg. No. 46,498)
Signature	
Date	May 12, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Typed or printed name			
Signature		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL
for FY 2004

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\$)	\$0.00
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Complete if Known

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Attorney Docket No.	T01215-0042-US (123081-339669)

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FEE CALCULATION (continued)

15-0633

McCarthy Tetrault LLP

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)	(\$)
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2. EXTRA CLAIM FEES FOR UTILITY AND

	Extra Claims		Fee from below	Fee Paid
Total Claims	<input type="text"/> -20** = <input type="text"/>	X	<input type="text"/>	= <input type="text"/>
Independent Claims	<input type="text"/> - 3** = <input type="text"/>	X	<input type="text"/>	= <input type="text"/>
Multiple Dependent			<input type="text"/>	= <input type="text"/>

<u>Large Entity</u>		<u>Small Entity</u>		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)	(\$)	\$0.00
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****or number previously paid, if greater; For Reissues, see above**

3. ADDITIONAL FEES

Large Entity	Small Entity
<p>1. Revenue Recognition</p> <p>Large entities use the percentage of completion method for long-term contracts, recognizing revenue as work progresses. Small entities often use the cost of sales method, recognizing revenue only when the contract is completed.</p>	<p>1. Revenue Recognition</p> <p>Small entities typically use the cost of sales method, recognizing revenue only when the contract is completed.</p>
<p>2. Inventory Valuation</p> <p>Large entities use FIFO (First In, First Out) for inventory valuation, which is required by GAAP. Small entities may use LIFO (Last In, First Out) for tax purposes, which is not required by GAAP.</p>	<p>2. Inventory Valuation</p> <p>Small entities may use LIFO (Last In, First Out) for tax purposes, which is not required by GAAP.</p>
<p>3. Depreciation</p> <p>Large entities use MACRS (Modified Accelerated Cost Recovery System) for depreciation, which is required by GAAP. Small entities may use straight-line depreciation for tax purposes, which is not required by GAAP.</p>	<p>3. Depreciation</p> <p>Small entities may use straight-line depreciation for tax purposes, which is not required by GAAP.</p>
<p>4. Lease Accounting</p> <p>Large entities use ASC 842 (Leases) for lease accounting, which is required by GAAP. Small entities may use ASC 840 (Leases) for tax purposes, which is not required by GAAP.</p>	<p>4. Lease Accounting</p> <p>Small entities may use ASC 840 (Leases) for tax purposes, which is not required by GAAP.</p>
<p>5. Goodwill Impairment</p> <p>Large entities use ASC 350 (Intangible Assets) for goodwill impairment testing, which is required by GAAP. Small entities may use ASC 350 (Intangible Assets) for tax purposes, which is not required by GAAP.</p>	<p>5. Goodwill Impairment</p> <p>Small entities may use ASC 350 (Intangible Assets) for tax purposes, which is not required by GAAP.</p>


Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non - English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR § 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type)	Robert H. Nakano
Signature	

Registration No. (Attorney/Agent)	46,498
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Complete (if applicable)

Telephone (416) 601-7852

Date May 12, 2004

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	T01215-0042-US (123081-339699)

[illegible][illegible]

Date	
Considered	

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Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 2

Complete if Known

Application Number	09/977,984
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Examiner Name	To be assigned
Attorney Docket Number	T01215-0042-US (123081-339699)

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		ARMITAGE, G., "MPLS: The Magic Behind the Myths", IEEE Communications Magazine, January 2000, pp. 124-131, vol. 38, no. 1.	
		DAVIE, B. et al., "MPLS Using LDP and ATM VC Switching", Network Working Group Internet Draft, May 2000,	
		HOLNESS, F. et al., "Multiprotocol Label Switching within the Core Network", 38th European Telecommunications Congress Proceedings: Networking the Future, August 24-28, 1999, London, GB.	
		SALMAN, M. et al., "The Role of Multi-Protocol Label Switching in the New "Datawave" Network", Journal of the Institution of British Telecommunications Engineers, British Telecommunications Engineering, July 2000, pages 117-121, vol. 1, no. 3.	
		SONI, P. et al., "Energy Efficiency Analysis of Link Layer Backoff Schemes on Point-to-Point Markov Fading Links", IEEE, 2000.	
		RECEIVED MAY 14 2004 Technology Center 2600	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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